

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 4/23/2020 9:15:35 PM
To: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
CC: Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Evalenko, Sandy [Evalenko.Sandy@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx
Attachments: DF_Draft FR notice re assumption and ESA DF Review sak.docx

Hi Ruth,

I'm fine with your tweaks, and have suggested two other minor, non-substantive tweaks to fix the grammar/sentence structure around Dave's edits. They don't change the meaning of his insertions. I am fine with this version.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Thursday, April 23, 2020 10:59 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Subject: Re: DF_Draft FR notice re assumption and ESA DF Review.docx

Hi Simma-

As Kathy mentioned, I'm going to help with the FR notice. Can you let us know whether you are okay with Dave's edits, except for one on p.7 that deleted FWS and NMFS and just says "the Services." Seems we should say who the Services are **Ex. 5 Deliberative Process (DP)** and note the change in process for submitting comments with the docket closed.

Otherwise, I understand that we are waiting to find out from Region 4 regarding reference to the FL white paper. Per Kathy, we hope to find that out today. Til then, we can't proceed with the FRN.

Thanks!

Ruth

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Wednesday, April 22, 2020 4:57 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Yes; we'd need to edit the FRN – FDEP should know that it is highlighted there.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Wednesday, April 22, 2020 4:55 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Hi all,
Sorry, I've been busy on other fire drills. I want to clarify that Dave's request was to check and see if FL is fine with us adding their whitepaper to our docket.

Ex. 5 AC/DP

One last logistics challenge – the docket center is closed so only electronic submittals. We need to amend the FRN for that.

Lastly, Ruth Chemreys, copied on this, will be helping with getting the FRN out and published so if we can include her on communications that would be great. Thanks, Kathy

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Wednesday, April 22, 2020 10:45 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Thanks Simma. I've reached out to Tom to see at what level that outreach to FDEP should occur. We'll let you know once we've had an opportunity to talk to FDEP.

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Wednesday, April 22, 2020 9:33 AM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
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FYI. Can the Region confirm with FDEP that they are comfortable with our citing the white paper?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Wednesday, April 22, 2020 9:09 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

FYI - I've not even opened this.

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 9:06 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Here you go—thanks!

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Sent: Wednesday, April 22, 2020 9:04 AM
To: Goodin, John <Goodin.John@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Thanks John. Can you forward the attachment?

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 8:34 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie

<Wehling.Carrie@epa.gov>

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DELIBERATIVE

Folks—we can move forward as Dave notes below. Would you coordinate with OGC and the Region on Dave's several asks? I'll acknowledge we'll do that when I open with Dave at our 1015a.

Thanks!

John

From: Ross, David P <ross.davidp@epa.gov>

Sent: Wednesday, April 22, 2020 8:23 AM

To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary

<walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Ex. 5 AC/DP

Regards,

Dave

From: Ross, David P

Sent: Wednesday, April 22, 2020 7:21 AM

To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>

Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary

<walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: DF_Draft FR notice re assumption and ESA DF Review.docx

Confidential; Deliberative; Attorney-Client Communication

John and David,

Nice job to the team on this. Please move forward to FR publication. I've attached a few edits, but please have Macara's shop to the FRN scrub as well. I assume the team has confirmed with FDEP that they are good with putting their white paper in the docket, but please confirm.

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process;

Ex. 5 AC/DP

Of the issues raised in your email, I'd like to discuss

Ex. 5 Deliberative Process (DP)

Thanks.

Dave